

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:17-cr-00074-MR-DLH**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BILLY JAMES ATCHLEY,

Defendant.

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ORDER

THIS MATTER is before the Court on the Defendant's letter, which the Court construes as a motion for a copy of his sentencing transcript at the Government's expense and for a copy of the Statement of Reasons. [Doc. 26].

The Defendant was sentenced on December 12, 2017 to a term of 27 months' imprisonment. Judgment was entered on December 21, 2017. [Doc. 24]. He did not file a direct appeal, and there are currently no post-conviction proceedings pending before the Court.

The Defendant has failed to demonstrate a particularized need for the requested transcript. See United States v. MacCollom, 426 U.S. 317, 326-27 (1976) (holding that federal inmates are not entitled to transcripts at Government expense absent some showing of a particularized need); Jones

v. Superintendent, Va. State Farm, 460 F.2d 150, 152 (4th Cir. 1972) (“[A]n indigent is not entitled to a transcript at government expense without a showing of the need, merely to comb the record in the hope of discovering some flaw.”) (citation omitted). Having failed to demonstrate a particularized need, the Defendant’s motion for a copy of his sentencing transcript must be denied.

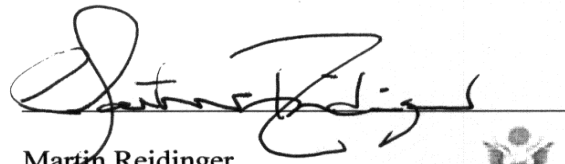
The Court now turns to the Defendant’s request for a copy of the Statement of Reasons. Much like a Presentence Report, the Statement of Reasons is a sealed court document. It can contain sensitive information, the disclosure of which could jeopardize a prisoner’s safety. For that reason, the Court will allow the Defendant to view his Statement of Reasons; however, the Defendant will not be permitted to retain a copy of it.

IT IS, THEREFORE, ORDERED that the Defendant’s motion [Doc. 26] is **GRANTED IN PART** and **DENIED IN PART**. Specifically, the Defendant’s motion for a copy of his sentencing transcript is **DENIED**. The Defendant’s motion for a copy of the Statement of Reasons is **GRANTED**, and the Clerk of Court is hereby authorized to provide a copy of the Statement of Reasons [Doc. 23] to the Warden of FCI Bennettsville. The Defendant shall be permitted to review the Statement of Reasons in the presence of his Case

Manager or another appropriate prison official as designated by the Warden,
but may not retain a copy of it.

IT IS SO ORDERED.

Signed: July 30, 2018


Martin Reidinger
United States District Judge

